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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17

18 DOE JEWISH USC FACULTY
MEMBER 2004, *et al.*,
19 Plaintiffs,
20 v.
21

22 UNIVERSITY OF SOUTHERN
CALIFORNIA, *et al.*,
23 Defendants.
24

Case No. 2:24-cv-05712 FLA (SSC)

**REPLY IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT
AND TO STRIKE CLASS
ALLEGATIONS**

Date: **May 2, 2025**
Time: **1:30 p.m.**
Place: **Courtroom 6B**
Judge: **The Honorable
Fernando L. Aenlle-Rocha**

SAC Filed: March 18, 2025

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2 2024 WL 2974469 (D. Or. 2024) 2, 5, 7

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INTRODUCTION

This case is about two Plaintiffs who filed claims against the University of Southern California (“USC”) following campus protests by “third party protestors” during the spring of last year. Dkt. 77, ¶ 6. USC’s Motion (Dkt 78) addresses each claim in Plaintiffs’ Second Amended Complaint (Dkt. 77, “SAC”) and explains why dismissal is warranted for multiple independent reasons. USC’s Motion also shows why Plaintiffs’ class allegations should be stricken.

In response, Plaintiffs do not defend the SAC—they run from it. Their argument concerns *claims they did not bring based on a case they did not file*. USC argues—as in the prior motion to dismiss (Dkt. 10) granted by this Court (Dkt. 72)—that Plaintiffs’ state civil rights claims require USC to have acted with a specific intent to deprive these two Plaintiffs of their civil rights on the basis of religion. Dkt. 78, at 8; *accord* Dkt. 72, at 5, 11, 12. And that Plaintiffs’ allegations demonstrate an *adverse* relationship between USC and the alleged “Campus Terrorists,” which (as this Court previously held) “actually support[s] [that USC] did not have the requisite intent.” Dkt. 72, at 8; Dkt. 78, at 8–12. Plaintiffs offer no response to this argument—nor do they address the other dispositive flaws in their state statutory claims. USC also explained why each of Plaintiffs’ negligence, negligent infliction of emotional distress (“NIED”), assault, battery, breach of contract, and “declaratory relief” claims must be dismissed. Dkt. 78, at 16–19. The argument section of the opposition does not even mention—much less defend—any of these claims. USC has additionally explained why Plaintiffs’ class claims may not proceed and must be stricken. Dkt. 78, at 19–21. Plaintiffs offer no response. As this Court previously held, “Plaintiffs do not respond to these arguments and, thus, concede them.” Dkt. 72, at 20.

25 To recap, Plaintiffs previously did not respond to USC's arguments, they were
26 granted an opportunity to attempt to fix their claims, they did not fix them, and now
27 they still have no response. The case should be dismissed in its entirety with
28 prejudice.

Because Plaintiffs cannot defend their actual claims, they attempt to argue new ones under federal law. But this Court has previously held that if Plaintiffs wish to file new claims, they must follow the proper procedure. Dkt. 76, at 3 (“Plaintiffs ... fail to establish why this request cannot be heard according to regular noticed motion procedures.”). An opposition to a motion to dismiss is not a substitute for a properly noticed motion. And Plaintiffs’ stated cause for seeking leave to file a Third Amended Complaint—way out of time and in defiance of a Court order—is that this Court took too long to decide jurisdiction and the first motion to dismiss. Dkt. 81, at 26 (“[A]ny delay ... was the result of the several months it took for the Court to determine jurisdiction and thereafter, in rendering a decision on USC’s initial MTD filed in July 2024”). That is no excuse at all. And, finally, Plaintiffs’ own argument shows that the new claims would be futile.

The Court should grant USC’s Motion to Dismiss and deny Plaintiffs’ improper and futile request to file yet another flawed complaint. The case should end now.

ARGUMENT

I. PLAINTIFFS’ OPPOSITION DOES NOT AND CANNOT SHOW THAT THE COMPLAINT SURVIVES USC’S MOTION TO DISMISS

USC’s motion to dismiss shows that all of Plaintiffs’ claims fail for multiple dispositive reasons and that Plaintiffs’ class allegations should be stricken. Dkt. 78. Plaintiffs’ opposition, however, focuses only on federal claims that they have not filed, and it does not defend the state-law and tort claims actually pleaded in the SAC. Dkt. 81, at 17–24. As this Court previously held, the failure to respond to a dispositive argument is a concession that requires dismissal. Dkt. 72, at 20; *see, e.g., Rintoul v. Old Dominion Freight Line, Inc.*, 2024 WL 2974469, at *2 (D. Or. 2024) (“[F]ailure to respond to an argument on its merits is grounds for deeming that argument abandoned or conceded.”); *Ramirez v. Ghilotti Bros.*, 941 F. Supp. 2d 1197, 1210 & n.7 (N.D. Cal. 2013) (collecting cases). Similarly, Plaintiffs entirely ignore USC’s request that the Court strike their class allegations—Plaintiffs therefore concede that

1 their class cannot be certified. Dkt. 72, at 20.

2 For all these reasons, Plaintiffs' claims should be dismissed with prejudice, and
3 the case should end now. USC here proceeds by highlighting the key dispositive
4 flaws in the SAC that Plaintiffs do not address.

5 **Civil Rights Claims.** USC's motion to dismiss establishes that to state a claim
6 under the Bane, Unruh, and Ralph Acts, Plaintiffs must plausibly allege that USC had
7 a specific wrongful intent to discriminate against these Plaintiffs. Dkt. 78, at 8. This
8 Court's previous order agreed that specific intent is required under California law,
9 which Plaintiffs do not now dispute. Dkt. 72, at 5, 11, 12.

10 As USC argues in its motion, Plaintiffs are missing the requisite intent for two
11 key reasons. First, there are no well-pleaded allegations showing that USC
12 specifically intended for any protestor to deprive Plaintiffs of their rights or to
13 discriminate against them on the basis of religion. Dkt. 78, at 8–10; *see also* Dkt 72,
14 at 8. Second, and relatedly, the SAC (like the FAC) alleges an adverse relationship
15 between the protestors and USC, including that the “Campus Terrorists” were
16 protesting USC itself, that USC had protestors arrested, that USC started the
17 disciplinary process for protestors, that USC will not tolerate illegal encampments,
18 that USC condemned all forms of antisemitic symbols, and (among other things) that
19 USC took actions to promote the safety of its students and faculty. Dkt. 78, at 9–12
20 (collecting citations); *see also* Dkt 72 (Order), at 8 (“Plaintiffs’ allegations actually
21 support Defendant did not have the requisite intent, as they suggest Defendant and the
22 protestors had adverse interests.” (citing allegations that remain in the SAC)). The
23 SAC therefore makes any inference of unlawful specific intent by USC to deprive
24 Plaintiffs of their civil rights or discriminate against them on the basis of religion even
25 more implausible than it already was. Plaintiffs make no response to these arguments
26 under the Bane, Ralph, or Unruh Acts, and therefore concede them.

27 In the context of making a different, “Free Exercise Clause” argument,
28 Plaintiffs assert in passing that “USC security officials prevented Plaintiffs from

1 accessing the library” and other locations, citing to “SAC, para. 1-125.” Dkt. 81, at
2 17–18. That is not a response to the flaws of the California law claims and does not
3 excuse Plaintiffs’ concession. But in any event, that argumentative assertion is
4 improper and false.¹ And, as suggested by the empty, hundred-paragraph citation to
5 the SAC, that allegation is not supported by the Complaint and would not demonstrate
6 discriminatory animus on the part of USC.²

7 There are no plausible allegations or inferences in the SAC that either Plaintiff
8 was prevented from accessing the library or campus resources by “USC security
9 officials.” What Plaintiffs actually allege is that “the Defendant University ...
10 allowed the Los Angeles Police Department (‘LAPD’) to clear the Encampment and
11 arrest 93 people.” SAC ¶¶ 15, 62. The SAC also incorporates references showing
12 that USC “will not tolerate illegal encampments,” and that USC began the disciplinary
13 process for students who participated in them. Dkt. 78, at 10–11 (collecting citations).
14 And Plaintiffs’ own photograph shows an “Encampment” of isolated tents that were
15 not blocking any campus buildings and not manned by “USC security officials.” Dkt
16 77, at Ex. A. Indeed, Plaintiffs’ diaries make no mention of being blocked by any
17 “security officials” from access to anything on the basis of religion. SAC ¶¶ 101-124.
18 Any contrary suggestion offered in attorney argument is implausible, contradicted by
19 Plaintiffs’ own allegations, and cannot be credited to show discriminatory animus and
20

21 ¹ In making this argument, Plaintiffs apparently conflate the distinct allegations
22 in *Frankel* (involving different facts at a different university) with the allegations that
23 they actually make in this case. *Cf. Frankel v. Regents of Univ. of California*, 744 F.
24 Supp. 3d 1015, 1022, 1028 (C.D. Cal. 2024) (discussing specific allegations from
25 specific plaintiffs who attempted to “study at [UCLA’s] Powell Library” but could
not, and enjoining the acts of “campus security teams”).

26 ² In the next sentence, Plaintiffs also cite to the *Frankel* opinion, seemingly for
27 factual support. Dkt. 81, at 18 (citing “SAC, para 1-125, Exhibit A to SAC”). Once
28 more, that is a different case involving different allegations and different claims
against a different university not at issue here.

1 action by USC. *See, e.g., Eclectic Properties E., LLC v. Marcus & Millichap Co.*,
2 751 F.3d 990, 999 (9th Cir. 2014).

3 Additionally, USC advances the following Bane, Unruh, and Ralph Act claims
4 that remain unrebutted:

- 5 • Plaintiffs' alleged Bane Act violation is expressly predicated on a
6 Constitutional violation requiring state action, and state action is missing
7 here. Dkt. 78, at 13–14.³
- 8 • Plaintiffs have not alleged that USC itself would commit violence against
9 them, instead claiming that the protestors threatened them. Dkt. 78, at 13–
10 14 (quoting Dkt. 72, at 7).
- 11 • The Student Plaintiff's allegations are predicated on speech—emails and
12 seeing posters—not violence, threats, or denials of access to the main
13 campus that she personally experienced. Dkt. 78, at 14–16. Thus, her civil
14 rights claims are either not actionable, or she lacks statutory standing under
15 California law to bring them. *Id.*
- 16 • USC's actions were not a substantial factor in causing Plaintiffs any harm.
17 *Id.* at 15 (quoting Dkt. 72, at 10–11).
- 18 • Plaintiffs' Jewish identities were not known, so USC could not have
19 intentionally discriminated against them on the basis of religion. *Id.*

20 Plaintiffs' opposition offers no response. That is enough for dismissal with prejudice.
21 *E.g., Rintoul*, 2024 WL 2974469, at *2; *Ramirez*, 941 F. Supp. 2d at 1210 & n.7 (N.D.
22 Cal. 2013).

23 To be clear, Plaintiffs' arguments regarding federal constitutional claims that
24 they did not bring are an insufficient response. Indeed, their requirements are distinct
25

26 ³ Plaintiffs' only reference to state action is to concede they have not alleged it.
27 See Dkt. 81, at 24 (“Plaintiffs will seek leave to file a Third Amended Complaint ...
28 to allege ‘state action’ by USC”).

1 from those of California civil rights laws. Plaintiffs, for instance, never explain how
2 their “strict scrutiny” arguments about whether USC had a compelling governmental
3 interest map onto the elements of California civil rights laws. *See* Dkt. 81, at 20–21.
4 And, to take another example, even if Constitutional concerns were triggered by
5 differential impacts on a protected population (*cf.* Dkt. 81, at 18–19), California civil
6 rights laws require a discriminatory specific intent. *See, e.g., Harris v. Cap. Growth*
7 *Invs. XIV*, 52 Cal. 3d 1142, 1149 (1991) (“[T]he language and history of the Unruh
8 Act indicate that the legislative object was to prohibit *intentional* discrimination in
9 access to public accommodations. We have been directed to no authority ... that
10 would justify extension of a disparate impact test”) (emphasis in original). And
11 whatever Title VI says about USC’s obligation to stop supposed “death to Israel”
12 chants by unnamed actors (Dkt. 81, at 23), Plaintiffs never explain how that obligation
13 relates to the requirements of the California statutes at issue.

14 In short, in attempting to prove federal claims that are not at issue, Plaintiffs
15 never explain—as is their obligation—why their state statutory claims make out a
16 plausible entitlement to relief.

17 **Other Claims.** In its Motion to Dismiss, USC also argues as follows:

- 18 • The Student Plaintiff does not allege any harmful or offensive touching, or
19 apprehension thereof. Nor does the Student Plaintiff allege specific intent
20 by USC to cause a harmful or offensive touching. Thus, the assault and
21 battery claims fail. Dkt. 78, at 16.
- 22 • The Student Plaintiff does not allege harm, a duty, or a special relationship
23 under California law as necessary to state a claim for negligence or NIED.
Id. at 16–17.
- 25 • Plaintiffs do not plead three required elements of their breach of contract
26 claim, including the contract and its terms, breach, and contract damages to
27 the plaintiff. *Id.* at 17–18.
- 28 • Plaintiffs’ claim for declaratory relief cannot survive as a freestanding

1 claim. *Id.* at 19.

2 The Court adopted these arguments in issuing its prior order of dismissal, and now
3 Plaintiffs offer no response to these arguments—nor do they mention these claims at
4 all. Dismissal with prejudice is warranted. *E.g., Rintoul*, 2024 WL 2974469, at *2;
5 *Ramirez*, 941 F. Supp. 2d at 1210 & n.7 (N.D. Cal. 2013).⁴

6 **Class Allegations.** USC advances numerous arguments regarding the
7 sufficiency of Plaintiffs’ class allegations, explaining that Plaintiffs have made no
8 attempt to plead the existence of any of the requirements for class certification,
9 including typicality, adequacy, commonality, and predominance; and that Plaintiffs’
10 class definition necessarily turns on individualized damages questions. Dkt. 78, at
11 19–21. Again, Plaintiffs offer no response. As before, “Plaintiffs do not respond to
12 these arguments and, thus, concede them.” Dkt. 72, at 20.

13 In sum, USC has explained why Plaintiffs’ claims must be dismissed. In turn,
14 Plaintiffs (i) address claims that they did not bring, relying on arguments in a different
15 lawsuit against a different university, (ii) fail to respond to multiple dispositive
16 arguments advanced by USC, and (iii) never once defend their class allegations.
17 These are the same problems that resulted in dismissal of Plaintiffs’ previous
18 complaint. Plaintiffs have had 11 months of litigation to correct the deficiencies in
19 their complaint. *See* Dkt. 1, ¶¶ 1–2. They have not done so. Dismissal with prejudice
20 is now warranted. *See Ecological Rights Found. v. Pac. Gas & Elec. Co.*, 713 F.3d
21 502, 520 (9th Cir. 2013) (district court’s “discretion to deny … leave [to amend] is
22 ‘particularly broad’ where”—as here—“the plaintiff has previously amended its
23 complaint.”).

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27 ⁴ The Court did not grant the Faculty Plaintiff leave to amend her Unruh Act,
28 Negligence, Assault, Battery, or contract claims. *See* Dkt. 72, at 20–21. Plaintiffs
have not argued otherwise.

1 **II. WHEN PLAINTIFFS' EXISTING CLAIMS ARE DISMISSED WITH**
2 **PREJUDICE, THE CASE SHOULD END HERE**

3 Plaintiffs' arguments are directed to distinct federal claims that they have not
4 brought. For three independent reasons, Plaintiffs' federal arguments are improper
5 and the case should come to an end now. First, Plaintiffs have disregarded this Court's
6 previous order, the federal rules, and the local rules in attempting to bring new claims
7 outside the proper procedure. Second, Plaintiffs have not shown and cannot show
8 good cause to bring new claims at this point in the proceedings. And third, Plaintiffs'
9 own argument demonstrates the futility of their new arguments.

10 **A. Plaintiffs Have Failed To Follow The Proper Procedures As**
11 **Expressly Required By This Court**

12 Plaintiffs' opposition is not a substitute for a properly noticed motion for leave
13 to add claims and is an attempt to circumvent this Court's order requiring exactly that.
14 To bring new claims, Plaintiffs must file a properly noticed motion and comply with
15 the local rules. *See* Fed. R. Civ. P. 15(a)(2); *e.g.*, L.R. 7–3. This Court has already
16 rejected Plaintiffs' efforts to circumvent these requirements, holding that Plaintiffs
17 must make their request "according to regular noticed motion procedures." Dkt. 76,
18 at 3.

19 When the Court granted USC's motion to dismiss in full, it also explained what
20 was wrong with each of Plaintiffs' claims and gave Plaintiffs an opportunity to file a
21 Second Amended Complaint within fourteen days. Dkt. 72. On March 7, 2025—
22 over a month before filing the present opposition—Plaintiffs then filed an *ex parte*
23 application seeking an extension of time to file a Second Amended Complaint and for
24 leave to add "a federal civil rights action under 28 U.S.C. section 1983, as well as any
25 other federal claims that may give rise to Defendant's liability." Dkt. 73, at 3
26 (emphasis omitted). In response, USC explained why Plaintiffs' application was an
27 improper *ex parte* filing, that the application disregarded both the local rules and the
28 Court's standing order, that the time for adding claims has long since passed, and that

1 Plaintiffs had previously proposed a Second Amended Complaint but declined to add
2 any claims. Dkt. 74. The Court denied Plaintiffs' *ex parte* application on March 10,
3 2025 and instructed Plaintiffs to make their request "according to regular noticed
4 motion procedures." Dkt. 76, at 3. A month has passed since the Court's order, and
5 Plaintiffs still have not filed a properly noticed motion or explained why those
6 procedures would have been inadequate.

7 In just these circumstances, courts will not grant leave to amend or add claims.
8 In *McKee v. Peoria Unified School District*, for instance, the court specifically
9 ordered that "[i]f Plaintiff wishes to file an amended complaint adding claims or
10 parties not appearing in the current operative complaint, filing of that complaint must
11 separately comply with the requirements of Fed. R. Civ. P. 15(a)." 963 F. Supp. 2d
12 911, 919 (D. Ariz. 2013). As here, plaintiffs sought to circumvent that order and
13 attempted to add another claim without following the proper procedures. *Id.* The
14 court did not allow it, and did not incentivize plaintiffs to ignore both a court order
15 and the Federal Rules. *Id.* The result here should be the same.

16 **B. Plaintiffs Have Not And Cannot Show That Further Amendment Of
17 Their Complaint To Add New Claims Is Warranted**

18 It is no surprise that Plaintiffs have repeatedly attempted to circumvent the
19 normal procedures: they have not and cannot show good cause to add new claims.
20 The scheduling order set a deadline of November 28, 2024, as the "Last Date to Hear
21 Motion to Amend Pleadings." Dkt 59, at 4 (emphasis in original). If Plaintiffs wished
22 to add claims, they should have done so before the deadline. Indeed, "[a]fter a
23 scheduling order deadline, a party seeking leave to amend must demonstrate (1) good
24 cause for seeking modification under Fed. R. Civ. P. 16(b)(4) and (2) satisfaction of
25 the Rule 15(a) standard." *Husky Ventures, Inc. v. B55 Invs., Ltd.*, 911 F.3d 1000,
26 1019 (10th Cir. 2018) (quotation marks omitted); *accord Johnson v. Mammoth
27 Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). "This requires the moving party
28 to show that it has been diligent in attempting to meet the deadlines, which means it

1 must provide an adequate explanation for any delay.” *Minter v. Prime Equip. Co.*,
2 451 F.3d 1196, 1205 n.4 (10th Cir. 2006) (discussing the Ninth Circuit’s rule).

3 Even setting aside Plaintiffs’ clear failure to comply with Rule 15, they have
4 made no attempt to show the good cause required for a post-deadline amendment of
5 their complaint to add claims, as Ninth Circuit precedent requires. Plaintiffs assert
6 only as follows:

7 [A]ny delay in determining the pleadings in this case was
8 not the result of anything Plaintiffs did or did not do. It was
9 the result of the several months it took for the Court to
10 determine jurisdiction and thereafter, in rendering a
11 decision on USC’s initial MTD filed in July 2024.

12 Dkt. 81, at 26. In other words, Plaintiffs blame their own delay on the Court.

13 That is grossly insufficient. The Court reminded the parties on two separate
14 occasions that they should continue to litigate diligently while awaiting its rulings.
15 Dkt. 28 (Aug. 30, 2024, Order) (“The court expects the parties to continue litigating
16 this action diligently”); Dkt. 55 (Oct. 21, 2024, Order) (same). Plaintiffs have
17 definitively known that they would be litigating in federal court for over four months
18 now, and they have still failed to seek leave to add any federal claims. *See* Dkt. 69
19 (January 3, 2025, Order on Jurisdiction). Moreover, the *Frankel* injunction on which
20 Plaintiffs rest their new claims was issued eight months ago and received prominent
21 media attention. *See Frankel v. Regents of Univ. of California*, 744 F. Supp. 3d 1015,
22 1019 (C.D. Cal. August 13, 2024).⁵ If Plaintiffs intended to copy and paste the
23 *Frankel* decision and claims into their Complaint, they had more than enough time to
24 do so. Cf. *In re Blue Earth*, 836 Fed. Appx. 564, 566 (9th Cir. 2020) (affirming denial
25 of leave to amend when facts were previously available).

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⁵ The Complaint in that case was filed almost a year ago on June 5, 2024, giving
28 Plaintiffs even more notice of the claims in that action. *See* Docket 2:24-cv-04702.

1 Nor could Plaintiffs possibly show good cause to amend. Plaintiffs have, in
2 fact, already filed an amended complaint, previously attempted to further add or
3 amend claims, and have had plenty of opportunity to do so. *See* Dkts. 49 (Plaintiffs'
4 Sept. 27, 2024, motion to amend the complaint), 73 (Plaintiffs' March 7, 2025, *ex*
5 *parte* application to add claims), 77 (Plaintiffs' SAC filed March 18, 2025); *see also*
6 *Ecological Rights Found.*, 713 F.3d at 520. To summarize: (1) plaintiffs have been
7 on notice of the substantive deficiencies in their claims since July 2024, (2) Plaintiffs
8 have already amended their complaint twice, (3) Plaintiffs have attempted to either
9 amend their complaint or add claims on two additional occasions, (4) Plaintiffs have
10 previously been admonished that their request to add claims must be filed "according
11 to regular noticed motion procedures" if it is to be heard, and (5) Plaintiffs still have
12 not filed a properly noticed motion. In light of these facts, further amendment of
13 Plaintiffs' complaint is not warranted.

14 **C. In Any Event, Plaintiffs' Argument Only Demonstrates the Futility
15 Of Their Improperly Proposed Additions**

16 Finally, Plaintiffs' argument and proposed complaint only demonstrate the
17 futility of the claims they attempt to add. *See Mirmehdi v. United States*, 689 F.3d
18 975, 985 (9th Cir. 2012) ("[A] party is not entitled to an opportunity to amend his
19 complaint if any potential amendment would be futile.").⁶ To take the obvious
20 example, Plaintiffs admit that their federal constitutional claims require state action,
21 and they say that their Third Amended Complaint will fill that conceded void. Dkt.
22 81, at 24. Nevertheless, the attached Third Amended Complaint still alleges (as it
23 must) that "USC is a California private benefit corporation." Dkt. 81-1, ¶ 125.

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⁶ USC expressly preserves other arguments demonstrating the futility of
26 Plaintiffs' complaint. Had Plaintiffs filed a properly noticed motion, USC would have
27 had the opportunity to meet and confer with Plaintiffs regarding the additional
28 deficiencies in the complaint they attach. And had Plaintiffs not addressed those
deficiencies, USC would have raised them in a full opposition.

1 Plaintiffs simply add an assertion that “USC was and is considered a ‘state actor’ ...
2 as confirmed by the [federal] Task Force’s recent intervention and investigation of
3 USC for violating federal antisemitism laws.” Dkt. 81-1, ¶ 215. That conclusory non
4 sequitur is insufficient to establish that a private university has acted under color of
5 law so as to be directly subject to the First and Fourteenth Amendments (or through
6 § 1983). *See Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 929, 936–37 (1982).
7 Similarly, Plaintiffs’ new Title VI argument does not even bother to cite to a single
8 allegation in the complaint, and their request to be allowed to “plead whatever claim
9 fits this case because anyone with a conscience knows what is happening at USC
10 today ... is wrong and immoral and illegal and unconstitutional” is plainly
11 insufficient. Dkt. 81, at 23.

12 **CONCLUSION**

13 The Court should grant USC’s motion to dismiss with prejudice. Plaintiffs’
14 allegations are poorly pleaded, conclusory, and implausible. Moreover, Plaintiffs
15 have not even attempted to respond to—and have thus conceded—dispositive flaws
16 that doom each of their claims, despite ample opportunity to address these
17 shortcomings. In the alternative, the Court should dismiss Plaintiffs’ class allegations.
18 Despite having ample opportunity to do so, Plaintiffs have still not filed a properly
19 noticed motion for leave to file federal claims, which would, in any event, be futile.

20 Plaintiffs’ claims should be dismissed with prejudice and the case should end
21 now.

22 Dated: April 18, 2025

Respectfully submitted,

23 JONES DAY

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25

By: /s/ Rasha Gerges Shields
Rasha Gerges Shields

27

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UNIVERSITY OF SOUTHERN
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28

CERTIFICATE OF COMPLIANCE

2 The undersigned, counsel of record for Defendant University of Southern
3 California, certifies that this brief contains 3,947 words, which complies with the
4 word limit of L.R. 11-6.1 and Standing Order 6(c).

6 | Dated: April 18, 2025

Respectfully submitted,

JONES DAY

By: /s/ Rasha Gerges Shields
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